



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### **STATE WATER CONTROL BOARD ENFORCEMENT ACTION**

#### **SPECIAL ORDER BY CONSENT**

#### **ISSUED TO**

**TOWN OF WOODSTOCK**  
**(VPDES Permit No. VA0026468)**

#### **SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d), between the State Water Control Board and the Town of Woodstock, for the purpose of resolving certain violations of environmental laws and regulations.

#### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.

6. "STP" means sewage treatment plant.
7. "Woodstock" and "Town" means the Town of Woodstock, which owns and operates the Town of Woodstock STP.
8. "Facility" and "Plant" means the Woodstock STP located in Shenandoah County, Virginia.
9. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
10. "Permit" means Virginia Pollutant Discharge Elimination System Permit No. VA0026468 issued to Woodstock, which became effective March 9, 2001 and expires March 9, 2006. Permit limits include pH, biochemical oxygen demand ["BOD"], total suspended solids ["TSS"], and total residual chlorine ["TRC"].
11. "NOV" means Notice of Violation.
12. "Regulation" means the VPDES Permit Regulation 9 VAC 25-31-10 et seq.
13. "P.E.R." means Preliminary Engineering Report.
14. "O&M" means Operations and Maintenance.
15. "I&I" means Inflow and Infiltration.
16. "SMP" means Sludge Management Plan
17. "CTO" means Certificate To Operate.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. Woodstock owns and operates the wastewater treatment facility serving the Town in Shenandoah County, Virginia. The Facility discharges to the North Fork Shenandoah River in the Shenandoah River subbasin, Potomac River basin.
2. While the design capacity of the Facility has been rated and approved as 1.0 MGD, the permitted flow is set at 0.8 MGD and the effluent limitations are based on that flow. As of May 2003 the effluent flows from the Facility exceeded the permitted flows for three consecutive months. The Town failed to recognize the significance of this exceedance and failed to report it to DEQ as required by the Permit. During 9 months out of a 24-month period (March 2003 through March 2005), the monthly average flows through the Facility have exceeded the Facility's permitted flow. These exceedances of the permitted flow appear to coincide with periods of wet weather.

3. The Town's sewage collection system receives apparent excessive I&I which is causing the Facility's permitted flow to be exceeded. In addition, these excessive flows have caused problems with the Facility's ability to properly treat the wastewater coming to the Facility.
4. DEQ issued NOV No. W2005-01-V-0006 on January 20, 2005, to Woodstock for failure to report overflows in December and October 2004 to DEQ in a timely manner, unusual/extraordinary discharges violations in December and October 2004, construction of unapproved Facility modifications for polymer addition, failure to report exceedances of the 95% permitted effluent flow and failure to provide a timely plan and schedule to address exceedances of the 95% permitted effluent flow due October 16, 2004. In addition, Woodstock submitted a late fourth annual sludge management report due February 19, 2005, on April 8, 2005, which was not cited in an enforcement document.
5. On February 8, 2005, DEQ met with Woodstock in an informal conference to discuss the January 20, 2005, NOV and resolution of the violations. The February 8, 2005, meeting included discussions of the Facility operations and the need for a plan and schedule of corrective actions to return the Facility to compliance with Permit requirements.
6. By submittals dated March 17, 2005, March 29 and April 8, 2005, Woodstock, via its original consultant, provided a written plan of corrective actions to bring the Facility into compliance with the requirements of the Permit.
7. By submittals dated June 15, 2005 and June 20, 2005, Woodstock, via its present consultant, provided a revised written plan of corrective actions to bring the Facility into compliance with the requirements of the Permit. Sections of this plan and schedule have been incorporated into Appendix A of this Order.

#### SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. § 62.1-44.15(8a) and (8d), orders Woodstock, and Woodstock agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Woodstock, and Woodstock voluntarily agrees, to pay a civil charge of **\$4,200** within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

Either on a transmittal letter or as a notation on the check, Woodstock shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

## SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Woodstock, for good cause shown by Woodstock, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Woodstock by DEQ on January 20, 2005. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Woodstock admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Woodstock consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Woodstock declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Woodstock to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Woodstock shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Woodstock shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Woodstock shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay

compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

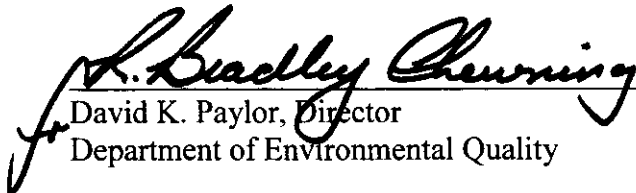
Failure to so notify the Director of the Valley Regional Office within 24 hours of learning of any condition above, which Woodstock intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Woodstock. Notwithstanding the foregoing, Woodstock agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. Woodstock petitions the VRO Director to terminate the Order after it has completed all requirements of this Order, and the Regional Director determines that all requirements of the Order have been satisfactorily completed; or
  - b. The Director, his designee, or the Board may terminate this Order in his or its sole discretion upon 30 days written notice to Woodstock.

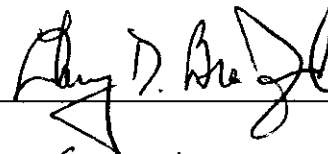
Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Woodstock from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. The undersigned representative of Woodstock certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Woodstock to this document. Any documents to be submitted pursuant to this Order shall be submitted by a responsible official of Woodstock.
13. By its signature below, the Town of Woodstock voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 20 March, 2006.

  
David K. Paylor, Director  
Department of Environmental Quality

Woodstock voluntarily agrees to the issuance of this Order.

By:   
Title: Town Manager  
Date: 2/13/06

Commonwealth of Virginia

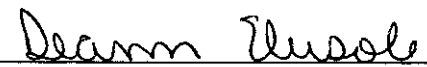
City/County of SHENANDOAH

The foregoing document was signed and acknowledged before me this

13 day of FEBRUARY, 2006, by LARRY D. BRADFORD,  
(name)

who is TOWN MANAGER of Town of Woodstock, on behalf of the Town.

(title)

  
Notary Public

My commission expires: 10/31/06.

**APPENDIX A  
SCHEDULE OF COMPLIANCE  
TOWN OF WOODSTOCK STP**

**SOLIDS HANDLING**

1. Woodstock has begun corrective actions to ensure the proper, adequate and timely wasting and disposal of solids from the Facility to eliminate or reduce solids losses from the Facility. These actions include: maintaining the sludge digester at a 2/3 full or less level (excluding space and time needed for the decant process). Should the digester level exceed the 2/3 level the Town commences hauling of sludge within one day (or as soon as practicable given necessary operational procedures to maintain the Plant performance) to bring the level back to 2/3 full or less. These corrective actions are intended to maximize the Town's capabilities to both waste and store sludge.

Woodstock shall continue to utilize these corrective actions until such time as the Town's Interim Optimization Plan (see Items 2 and 3 below) is approved and supersedes this solids handling operation.

2. **By August 1, 2005**, Woodstock shall begin an evaluation of the Facility's performance which will be used to develop an Interim Optimization Plan to improve the Facility's operations.
3. **By October 31, 2005**, Woodstock shall submit to DEQ for review and approval the Interim Optimization Plan and schedule of corrective actions to:
  - a. develop and institute a comprehensive strategy for control of the activated sludge process;
  - b. develop and institute a wet weather operation procedure;
  - c. ensure the continuation of proper, adequate and timely wasting and disposal of solids from the Facility to eliminate or reduce solids losses from the Facility;
  - d. ensure that the solids wasting schedule will facilitate the Facility's capabilities to operate at its optimal MLSS as defined in the plan; and,
  - e. identify significant operational components of the existing treatment system that are not reflected in the O&M Manual and the necessary modifications/revisions needed to update the O&M Manual.

Woodstock shall respond to comments on the plan and schedule within **30 days** of receiving written comments. Upon approval of the plan and schedule it shall be incorporated by reference and will become enforceable part of the Order.

4. **Within 30 days** of approval of the Interim Optimization Plan, Woodstock shall submit to DEQ for review and approval a description of the operational changes and revisions made in accordance with the Interim Optimization Plan which shall be incorporated as an O&M Manual addendum. Woodstock shall respond to comments on the O&M Manual addendum **within 30 days** of receiving written comments.

## OPERATIONAL IMPROVEMENTS

5. **By August 15, 2005**, Woodstock shall complete the installation of the automatic dialers for Facility alarms which will notify operators of problems or emergency conditions; including high water, chemical and sludge return alarms.
6. **By August 31, 2005**, Woodstock shall begin conducting final effluent BOD testing 7 days/week with a 24-hour composite sample and final effluent TSS testing 7 days per week with a 24-hour composite sample. The 24-hour composite sampler shall be set to take 24 hourly individual grab samples that are flow proportioned. Woodstock shall record on the Facility's daily log the time(s) and duration of unusual discharge(s) noted by observing the quantity of solids in each discrete sample from the 24-hour composite sample. If a suspected unusual discharge(s) is noted in any discrete sample, Woodstock shall first perform a settleable solids test on the hourly sample(s) that show a suspected unusual discharge before conducting a 24-hour composite sample for TSS/BOD. The settleable solids test shall follow the procedures contained in the 18<sup>th</sup> edition of Standard Methods for test 2540 F. using a graduated cylinder of appropriate size. Woodstock shall document and report the millimeters of solids in a liter of effluent. Woodstock shall consider any settleable solids test showing a result of 5% by volume solids or greater to be an unusual discharge. Woodstock shall report to DEQ any unusual discharge within 24 hours of being noted.

Woodstock will incorporate operational changes into the Interim Optimization Plan

7. If at any time during the period that the Order remains in effect, should the National Weather Service forecast a precipitation event of 2 inches or greater, the Town of Woodstock shall ensure that an operator is present at the Woodstock STP between the hours of 4:00 P.M. and 7:00 A.M. in addition to regular working hours. The operator shall spend a sufficient amount of time at the STP between these hours to:
  - a. make a thorough assessment of the effects of such precipitation events on STP operations; and,
  - b. allow the operator to make any necessary adjustments to the STP in response to such precipitation events to minimize the risk of a loss of solids during such events.

Should the predicted duration of such precipitation events be greater than 24 hours, Woodstock shall ensure the presence of the operator to satisfy the above criteria over the period of time covered by the predicted event.

8. For any precipitation event triggering the provisions set forth above in Item 6, Woodstock shall prepare a report of the steps taken to ensure compliance with the Order and shall include the report with the next Discharge Monitoring Report submitted to DEQ.



9. Throughout the period that the Order remains in effect, Woodstock STP staff shall, on a minimum frequency of once per week, observe the condition of the North Fork Shenandoah River at and immediately downstream of Outfall 001. Any observation of adverse impact to the receiving stream and/or unusual discharge shall be reported to the VRO in accordance with the terms of the Permit.

## **COLLECTION SYSTEM FLOW STUDIES**

10. Woodstock completed the evaluation of the Facility's reported dry and wet flow data to establish a baseline collection system flow.
11. **September 1, 2005**, Woodstock shall begin the flow monitoring study as described in its letter dated June 20, 2005, and shall accomplish the following as deemed necessary by the flow monitoring plan:

- a. produce a collection system map with pipe sizing, pump stations, manhole locations, and graphic reference points;
- b. conduct a public information program;
- c. conduct flow metering during day and night and wet and dry weather conditions;
- d. conduct smoke testing in the collection system to identify inflow areas as necessary;
- e. conduct manhole inspections throughout the collection system to evaluate I&I sources and structure conditions;
- f. conduct building plumbing inspections after smoke testing to confirm suspected inflow sources, such as roof leaders and foundation drains;
- g. conduct television inspection of lines to verify smoke testing or when temporary flow monitoring indicates excessive I&I; and,
- h. data analysis and a project report.

Woodstock shall begin a flow metering/monitoring study to determine the extent of the Inflow and Infiltration within the Town's collection system. The flow monitoring study should cover both day and night and dry and wet weather periods. The study should adequately define the peak flows and present the background data that will also be used for designing the upgraded/expanded Facility.

12. **By January 31, 2006**, Woodstock shall have completed the following actions and submit to DEQ for review and approval a report describing the work done and its findings. The report shall contain the following:

- a. A map of the collection system broken down into significant sewer sheds in the system. Both the map and index shall show each the major pump stations and its associated minor pump stations. This map and index shall be used by Woodstock for planning, prioritizing, and reporting.
- b. A table that shows the problematic manholes associated with each sewer shed/pump station.
- c. Adequately define peak flows and present the background data that will be used for designing the Facility upgrade/expansion.
- d. Identify and describe the sources of I&I discovered through the inspections and evaluations of collection system.

Woodstock shall respond to comments on the report **within 30 days** of receiving written comments.

13. Woodstock shall implement the recommendations proposed in its January 3, 2006 I&I study report for additional I&I studies and remediation work on the collection system.
14. Woodstock shall take immediate action to limit further connections to the collection system should the Facility exceed 95% of its permit's design capacity for three consecutive months or for four or more months in a six month period during the period until the new upgrade/expansion Facility comes on line.
15. Woodstock shall submit semiannual I&I progress reports to DEQ, with the first report being due April 10, 2006. Subsequent I&I progress reports will be due by October 10 and April 10, along with the Facility's Discharge Monitoring Report until the cancellation of this Order. The semiannual I&I progress reports shall contain a summary of all I&I rehabilitation work completed since the previous progress report in accordance with this Order.

## **PLANT UPGRADE AND EXPANSION**

16. **By January 31, 2006, or within 60 days** following the receipt of final effluent limitations for the 2.0 MGD design flow, whichever is the latter, Woodstock shall submit to DEQ for review and approval a PER for the proposed Facility expansion/upgrades necessary to ensure compliance with Permit effluent limitations and requirements. Woodstock shall respond to any comments regarding the PER **within 30 days** of receipt of written comments.
17. **Within 60 days** of approval of the PER, Woodstock shall begin the design plans and specifications for the approved Facility expansion/upgrades.
18. **Within 300 days** of approval of the PER, Woodstock shall submit to DEQ for review and approval both the plans and specifications and the schedule for the construction of the expanded/upgraded Facility. Woodstock shall respond to comments regarding the plans and specifications and/or the schedule for the expanded/upgraded Facility within 30 days of receipt of written comments. Upon approval of the schedule for the

construction of the approved Facility, said schedule shall be incorporated by reference into this Order and become enforceable as part of this Order. (Woodstock expects to submit the plans and specifications by about April 1, 2007)

19. **Within 820 days/27 months** of approval of the plans and specifications for the approved Facility expansion/upgrade, but **no later than December 31, 2010**, Woodstock shall complete construction of the approved Facility upgrade and expansion to a 2.0 MGD flow design and obtain a CTO in accordance with approved plans and specifications

#### **GENERAL REQUIREMENTS**

20. Woodstock shall submit quarterly progress reports to DEQ, with the first report being due **October 10, 2005**. Subsequent Progress Reports will be due by **January 10, April 10, July 10, and October 10**, along with the Facility's Discharge Monitoring Report until the cancellation of this Order. The quarterly progress reports shall contain:
  - a. a summary of all work completed since the previous progress report in accordance with this Order; and
  - b. a statement regarding any anticipated problems in complying with this Order.
21. No later than **14 days** following a date identified in the above schedule of compliance Woodstock shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item. .